

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

EARNESTINE RICHARDSON,)	CASE NO.:
)	
Plaintiff,)	JUDGE:
)	
vs.)	
)	NOTICE OF REMOVAL
OHIO CVS, STORES, LLC,)	
)	
Defendants)	

Defendant, Ohio CVS Stores, LLC, ("Defendant"), through counsel, respectfully submit this Notice of Removal pursuant to 28 USC §1441 and 28 USC §1446, and state as follows:

1. On February 1, 2019, Plaintiff Earnestine Richardson ("Plaintiff") commenced an action that is pending in the Cuyahoga County Court of Common Pleas, State of Ohio, Case No. CV 19-9104096, captioned *Earnestine Richardson v. CVS Health, et al.* against CVS Health; CVS Pharmacy Store 4351; and CVS 4351 OH, L.L.C. (collectively "Defendants") A true and accurate copy of the Complaint is attached here as Exhibit A. Defendants were served with a copy of the Complaint on February 7, 2019, at the earliest.

2. On February 15, 2019, Plaintiff filed a First Amended Complaint, substituting Ohio CVS Stores, LLC ("Defendant") as the sole named Defendant. A true and accurate copy of the First Amended Complaint is attached hereto as Exhibit B.

3. Defendant is not a citizen of the state of Ohio, but rather is considered a citizen of Rhode Island.

4. Upon information and belief, Plaintiff is considered a citizen of Florida. *See* Compl.

5. This Notice of Removal is timely filed within thirty days after Defendant's receipt of the Complaint, in compliance with 28 USC §1446(b)(3).

6. This case is removable under 28 U.S.C. § 1441, as this United States District Court has original jurisdiction of this action under 28 U.S.C. § 1332(a). Section 1332(a) provides, in pertinent part:

- (a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between-
 - (1) citizens of different States...

7. As stated above, Plaintiff is a citizen of Florida, and Defendant is a Rhode Island corporation.

8. Upon information and belief, the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. Accordingly, diversity principles bring this case properly before this Court.

9. Written notice of the removal of this action has been given simultaneously herewith to Plaintiff's counsel and the Court of Common Pleas, Cuyahoga County, Ohio.

10. Pursuant to 28 U.S.C. § 1446(a), all process, pleadings, and orders served upon Defendant are attached hereto as Exhibits A and B.

WHEREFORE, this action is properly removed from the Court of Common Pleas for Cuyahoga County (Case No. CV 19-910496) to the United States District Court for the Northern District of Ohio, Eastern Division for all further proceedings.

Respectfully submitted,

/s/ Joseph T. Palcko

Joseph T. Palcko (0088006)

REMINER CO., L.P.A.

101 West Prospect Avenue, Suite 1400

Cleveland, Ohio 44115

(216) 687-1311 | (216) 687-1841 - facsimile

jpalko@reminger.com

Counsel for Defendant Ohio CVS Stores, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of February 2019 a copy of the foregoing was

sent by regular U.S. mail to:

Courtney L. Sutton, Esq.

Paul Perantinides, Esq.

PERANTINIDES & NOLAN CO., LPA

300 Courtyard Square

80 South Summit Street

Akron, OH 44308

Attorneys for Plaintiffs

/s/ Joseph T. Palcko

Joseph T. Palcko (0088006)

REMINER CO., L.P.A.



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed:
February 1, 2019 16:02

By: COURTNEY J. SUTTON 0091764

Confirmation Nbr. 1614939

EARNESTINE RICHARDSON

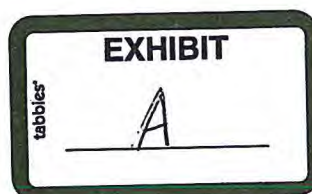
CV 19 910496

vs.

Judge: JOAN SYNENBERG

CVS HEALTH, ET AL.

Pages Filed: 4



IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

EARNESTINE RICHARDSON
701 E. 121st Avenue
Tampa, FL 33612-5311,

Plaintiff,

vs.

CVS Health
c/o Statutory Agent
One CVS Drive
Woonsocket, RI 02895,

and

CVS Pharmacy
Store 4351
c/o Statutory Agent
6005 Som Center Road
Willoughby, OH 44094,

and

CVS 4351 OH, L.L.C.
d/b/a CVS Pharmacy
c/o CT Corporation System
6005 Som Center Road
Willoughby, OH 44094,

Defendants.

CASE NO. _____

JUDGE _____

COMPLAINT

TYPE: PERSONAL INJURY

**JURY DEMAND ENDORSED
HEREON**

Now comes Plaintiff Earnestine Richardson, by and through undersigned counsel, and for her Complaint states as follows:

FIRST CLAIM FOR RELIEF
(Personal Injury)

1. On or about February 2, 2018, the above-named Defendants, by and through their agents, servants and/or employees, negligently caused injury to Plaintiff Earnestine Richardson.

2. On or about February 2, 2018, Plaintiff was a customer and business invitee at Defendants' CVS store located at 6005 Som Center Road in Willoughby, Ohio and was walking in an aisle on the main floor.

3. Defendants owed Plaintiff a duty to exercise reasonable care for her safety and to maintain the floors in its store in a reasonably safe condition.

4. Defendants were negligent in one or more of the following respects:

- a. Failing to remedy a floor defect when Defendants knew or should have known that the Plaintiff was in the vicinity;
- b. Failing to close off the area so that customers, including Plaintiff, would not walk on the floor in that area;
- c. Failing to warn Plaintiff that of the defective floor condition;
- d. Failing to exercise reasonable care for the safety of the Plaintiff.

5. At the aforesaid time and place, due to the negligence of the Defendants in failing to exercise reasonable care, maintain the floors of its store in a reasonably safe condition, warn Plaintiff of any defects, and remedy known defects, Plaintiff fell on the floor causing the injury and damage hereinafter complained of.

6. As a direct and proximate result of the joint combined and concurrent negligence of the Defendants, their agents, employees, and/or employers Plaintiff sustained serious permanent personal injuries, experienced pain and suffering, sustained emotional distress, sustained psychological and mental injuries; was prevented from transacting her business; incurred the expenses of physicians, hospitals, and healthcare providers and will continue to do so into the indefinite future; sustained a loss of enjoyment and that her injuries are otherwise permanent in nature and will continue to suffer the consequences thereof into the indefinite future.

WHEREFORE, Plaintiff hereby demands judgment against the Defendants jointly and severally in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) plus interest and costs of bringing this action.

Respectfully submitted,

PERANTINIDES & NOLAN CO., L.P.A.

A handwritten signature in black ink, appearing to read 'Courtney J. Sutton', is written over a horizontal line.

COURTNEY J. SUTTON, ESQ. (0091764)
PAUL G. PERANTINIDES, ESQ. (0006618)
Attorneys for Plaintiff

300 Courtyard Square
80 South Summit Street
Akron, OH 44308-1736


(330) 253-5454

(330) 253-6524 Fax

Email: csutton@perantinides.com
paul@perantinides.com

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues contained in this Complaint.



COURTNEY J. SUTTON, ESQ. (0091764)
PAUL G. PERANTINIDES, ESQ. (0006618)
Attorneys for Plaintiff



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

AMENDED COMPLAINT \$75
February 15, 2019 10:55

By: COURTNEY J. SUTTON 0091764

Confirmation Nbr. 1627014

EARNESTINE RICHARDSON

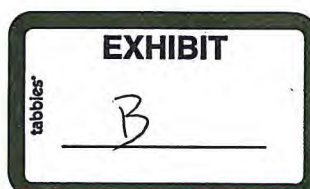
CV 19 910496

vs.

Judge: JOAN SYNENBERG

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Pages Filed: 3



IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

EARNESTINE RICHARDSON
701 E. 121st Avenue
Tampa, FL 33612-5311,

Plaintiff,

VS.

Ohio CVS Stores, LLC
c/o CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219,

Defendant.

CASE NO. CV 19 910496

JUDGE JOAN SYNENBERG

FIRST AMENDED COMPLAINT

TYPE: PERSONAL INJURY

**JURY DEMAND ENDORSED
HEREON**

Now comes Plaintiff Earnestine Richardson, by and through undersigned counsel,
and for her First Amended Complaint states as follows:

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(Personal Injury)

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3. Defendant owed Plaintiff a duty to exercise reasonable care for her safety and to maintain the floors in its store in a reasonably safe condition.

4. Defendant was negligent in one or more of the following respects:

- a. Failing to remedy a floor defect when Defendant knew or should have known that the Plaintiff was in the vicinity;
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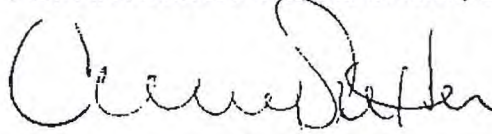
6. As a direct and proximate result of the joint combined and concurrent negligence of the Defendant and/or its agents, employees, and/or employers, Plaintiff sustained serious permanent personal injuries, experienced pain and suffering, sustained emotional distress, sustained psychological and mental injuries; was prevented from transacting her business; incurred the expenses of physicians, hospitals, and healthcare providers and will continue to do so into the indefinite future;

sustained a loss of enjoyment and that her injuries are otherwise permanent in nature and will continue to suffer the consequences thereof into the indefinite future.

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Respectfully submitted,

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Attorneys for Plaintiffs

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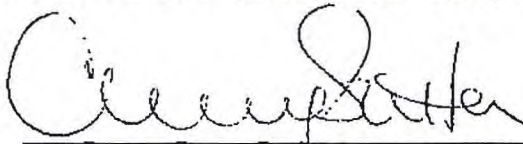
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